

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK BANKS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:13-cv-1199
)	Judge Nora Barry Fischer
UNITED STATES PROBATION)	Chief Magistrate Judge Lisa Pupo
DEPARTMENT FOR THE WESTERN)	Lenihan
DISTRICT OF PENNSYLVANIA, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

The Complaint for Writ of Mandamus was filed in the above captioned case on August 23, 2013, after the matter was transferred to this Court from the United States District Court for the Middle District of Pennsylvania and Plaintiff's Motion to Proceed *In Forma Pauperis* was granted. The case was referred to Chief United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 8), filed on August 29, 2013, recommended that the Complaint for Writ of Mandamus (ECF No. 7) be dismissed for lack of subject matter jurisdiction. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that he had fourteen (14) days to file any objections. No objections have been filed to the Report and Recommendation by the Court's deadline.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 19th day of September, 2013,

IT IS HEREBY ORDERED that the Complaint for Writ of Mandamus filed by Plaintiff Frederick Banks (ECF No. 7) is **DISMISSED WITH PREJUDICE**, for lack of subject matter jurisdiction.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 8) of Chief Magistrate Judge Lenihan, dated August 29, 2013, is adopted as the opinion of the Court.

FINALLY, IT IS ORDERED that the Clerk of Court is directed to mark this case CLOSED.

BY THE COURT:

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Frederick Banks
P.O. Box 42303
Pittsburgh, PA 15203
Via First Class Mail